REMARKS

In the Office Action,[1] the Examiner rejected claims 30-32, 34, 35, 38-40, 42, and 43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,963,909 to Warren et al. ("*Warren*") in view of U.S. Patent No. 5,083,224 to Hoogendoorn et al. ("*Hoogendoorn*") and U.S. Patent No. 6,519,412 to Kim ("*Kim*"). Applicants respectfully traverse the rejection, because a *prima facie* case of obviousness has not been established.

Independent claim 34 recites a method for controlling copying of data, the method comprising, for example, "comparing a copy restriction level . . . included in the input data with a predetermined copy restriction level instructed via an operation panel."

Warren discloses, "comparing [a] generation number with a permitted threshold value." *Warren*, col. 5, lines 66-67. *Warren* further discloses: "[t]he number of generations of SCT data . . . is compared with a Valid Copy Threshold (VCT). The VCT indicates the number of allowed copies . . . . If the number of generations of SCT data is less than or equal to the VCT, then the selector 435 will enable . . . recording the data on another media." *Id.*, col. 10, line 62 to col. 11, line 2.

Therefore, *Warren* discloses comparing the generation number of data (i.e., number of copies already made) with number of copying allowed. However, *Warren* does not teach or suggest "comparing [one] copy restriction level . . . with [another] copy restriction level," as recited in claim 34. For example, *Warren* does not disclose

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

comparing one VCT (number of allowed copies) with another VCT (another number of allowed copies). Accordingly, *Warren* fails to teach or suggest "comparing a copy restriction level . . . included in the input data with a predetermined copy restriction level instructed via an operation panel," as recited in claim 34.

Hoogendoorn and *Kim* fail to cure at least the deficiencies of *Warren*. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 34.

Independent claim 42 recites a recording apparatus comprising, for example, "a comparing device which compares a copy restriction level . . . included in the input data with a predetermined copy restriction level instructed via the operation panel." Thus, *Warren*, *Hoogendoorn*, and *Kim* fail to establish a *prima facie* case of obviousness with respect to claim 42 for at least reasons similar to those given for claim 34.

Dependent claims 30-32, 35, 38-40, and 43 are allowable at least due to their respective dependence from allowable base claim 34 or 42. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 30-32, 34, 35, 38-40, 42, and 43 under 35 U.S.C. § 103(a).

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____

Peter C. Yi
Reg. No. 61,790
202.408.4485